



Louisiana Department of Justice  
Office of the Attorney General

# **Equal Housing** *It's Your Right*

**Jeff Landry**  
Attorney General

## A Message from the Attorney General

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As your Attorney General, I am committed to ensuring the Louisiana Department of Justice serves all of our State's people. If someone is being scammed, intimidated, or discriminated against – we will work to get justice.

Dr. Martin Luther King, Jr. most eloquently said, "Injustice anywhere is a threat to justice everywhere." This is especially true with your rights to live where you choose. Fair housing should never be denied to any person because of race, color, national origin, religion, sex, familial status, or handicap.

My Office will enforce the Louisiana Equal Housing Opportunity Act. We will work hard in the investigation, conciliation, and judicial enforcement of fair housing claims. And we will educate the State's citizens about their rights regarding the sale or rental of housing.

Our State is great because all of its people have a right to life, liberty, and the pursuit of happiness. As your Attorney General – I will do all that I can to make Louisiana an even better place to live, work, and raise a family.

Sincerely,

Jeff Landry  
Louisiana Attorney General

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## What Happens After a Complaint is Investigated?

If, after investigating your complaint, the Attorney General's Office finds reasonable cause to believe that discrimination occurred, it will inform you. The office will then file a lawsuit on your behalf in district court; however, there is no cost to you. The district court can order relief, and award actual and punitive damages, attorney fees, and costs.

You may file suit, at your expense, in federal district court or state court within **two years** of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement. A court may award actual and punitive damages and attorney's fees and costs.

## What Happens If You Need Help Quickly?

If you need immediate help to stop a serious problem that is being caused by an Equal Housing Opportunity Act violation, the Attorney General's Office may be able to assist you as soon as you file a complaint. The office may go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur with the office's intervention.
- There is substantial evidence that a violation has occurred.

*Example:* A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with the Attorney General's Office. The Attorney General may go to court to prevent a sale to any other buyer until the office investigates the complaint.

## The Equal Housing Opportunity Act

The Equal Housing Opportunity Act prohibits discrimination in housing because of:



- Race or color
- National origin
- Religion
- Sex
- Familial Status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Handicap

## What housing is covered?

The Equal Housing Opportunity Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing covered by organizations and private clubs that limit occupancy to members.

## What is prohibited?

It is illegal for anyone to threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.

It is also illegal for anyone to advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or handicap. This prohibition applies to single-family and owner-occupied housing that is otherwise exempt from the Act.

## Additional Prohibitions

**In the sale and rental of housing,** no one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing.
- Refuse to negotiate for housing.
- Make housing unavailable.
- Deny a dwelling.
- Set different terms, conditions, or privileges for sale or rental of a dwelling.
- Provide different housing services or facilities.
- Falsely deny that housing is available for inspection, sale or rental.
- For profit, persuade owners to sell or rent.
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.



**In Mortgage Lending,** no one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to make a mortgage loan.
- Refuse to provide information regarding loans.
- Impose different terms or conditions on a loan.
- Discrimination in appraising property.
- Set different terms or conditions for purchasing a loan.

## What Happens When You File A Complaint?

The Attorney General's Office will notify you when it receives your complaint. Normally, the Attorney General's Office will:

- Notify the alleged violator of your complaint and permit that person to submit an answer.
- Investigate your complaint and determine whether there is reasonable cause to believe the Equal Housing Opportunity Act has been violated.
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint.

## Mediation

When you file a housing discrimination complaint, you have 10 days to decide to mediate your complaint. Both parties involved with the complaint must agree to mediation.

## Conciliation

The Attorney General's Office will try to reach an agreement with the person your complaint is against. A conciliation agreement must protect both you and the public interest. If an agreement is signed, the Attorney General's



Office will take no further action on your complaint. However, if the Attorney General's Office has reasonable cause to believe that a conciliation agreement is breached, the office may file suit.

## If You Think Your Rights Have Been Violated



The Attorney General's Office is ready to help with any problem of housing discrimination. If you think your rights have been violated, write us a letter or telephone the Equal Housing Opportunity Hotline for a housing discrimination complaint form. You have **one year** after an alleged violation to file a complaint with the Attorney General's Office, but you should file it as soon as possible. The Attorney General's Office acts as a neutral third-party when investigating claims of housing discrimination.

When completing the complaint form or sending a letter, please include the following:

- Your name and address.
- The name and address of the person your complaint is against.
- The address or other identification of the housing involved.
- A short description of the alleged violation.
- The date(s) of the alleged violation.

Please send the complaint form or letter to:

Louisiana Department of Justice  
Equal Housing Opportunity Section  
P.O. Box 94005  
Baton Rouge, Louisiana 70804-9005

If you have any questions, please contact the Equal Housing Opportunity Hotline at **1.800.273.5718** or visit our website at [www.AGJeffLandry.com](http://www.AGJeffLandry.com).

## Additional Protection If You Have a Disability

If you or someone associated with you has a physical or mental disability that substantially limits one or more major life activities, has a record of such a disability or are regarded as having such a disability, your landlord cannot:



- Refuse to let you make reasonable modification to your dwelling or common use areas, at your expense, if necessary for the handicapped person to use the housing. Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the handicapped person to use the housing.

*Example:* A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

*Example:* An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near his/her apartment if necessary to assure that he or she can have access to their apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

## Requirements for New Buildings



### Old Construction

- Tenant pays for modification to any building available for first occupancy *prior to* March 13, 1991. This applies to non-subsidized property.

### New Construction

- Owner is responsible for constructing any multi-family building available for first occupancy *after* March 13, 1991, in compliance with the fair housing laws seven design requirements.

- Tenant is responsible for modifications beyond the seven design requirements for multi-family housing, and modifications of non-multi-family housing.
- Multi-family building: buildings consisting of four or more units for such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more dwelling units.

### Seven Design Requirements for New Construction in Multi-Family Housing

- Accessible building entrance on an accessible route
- Accessible and usable public and common use facilities
- Usable doors by persons in wheelchairs
- Accessible route into and through the covered unit
- Light switches, electrical outlets, thermostats and other environmental controls in accessible locations
- Reinforced walls for grab bars
- Usable kitchens and bathrooms

## Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- A parent.
- A person who has legal custody of the child or children.
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.



Housing for older persons is *exempt* from the prohibition against familial status discrimination if:

- The Attorney General has determined that it is specifically designed for and occupied by elderly persons under a federal, state, or local government.
- It is occupied solely by persons who are 62 or older.
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units; has significant services and facilities for older persons; and adheres to a published policy statement that demonstrates an intent to house person age 55 or older. The requirement for significant services and facilities is waived if providing them is not feasible and the housing is necessary to provide important housing opportunities for older persons.